

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GARY MATTHEW BURKHOLDER, }  
Plaintiff, }  
v. } Civil Action No. 08-197 Erie  
VESSEL/DEBTOR/ENS LEGIS, }  
Defendant. }

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on July 3, 2008.

The Magistrate Judge's Report and Recommendation [Doc. No. 6], filed on September 30, 2008, recommended that the action be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B) and that Plaintiff's other pending motions [Doc. Nos. 3 and 4] be dismissed as moot. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Plaintiff by certified mail. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22<sup>nd</sup> day of October, 2008;

IT IS HEREBY ORDERED that this action is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B). IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* [Doc. No. 3] is Dismissed as moot and Plaintiff's Motion to Move Clerk of the Courts/Honorable Court for Maritime Attachment/Arrest and/or a Hearing [Doc. No. 4] is Dismissed as moot.

The Report and Recommendation [Doc. No. 6] of Magistrate Judge Baxter, filed on September 30, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge